IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

Crl.Rev.Pet.No. 351 of 2000

CRL.A. NO. 126/1998 OF SESSIONS COURT, THRISSUR,

CC. NO. 918/1996 OF JUDL. MAGISTRATE OF FIRST CLASS COURT, WADAKKANCHERY.

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REVISION PETITIONER/ APPELLANT/ ACCUSED:

SETHUMADHAVAN, S/O. SANKARA NARAYANAN,
VELIYATU HOUSE, NEAR PANAGARAPPILLY HIGH SCHOOL,
(BACK OF THE SCHOOL), PANGARAPPILLY DESOM,
PANGARAPPILLY VILLAGE, THALAPPILLY TALUK,
THRISSUR DISTRICT.

BY ADV. SRI.P.VIJAYA BHANU,
SMT.MINI JOHN PAREMALIL.

RESPONDENTS/RESPONDENTS/COMPAINANT & STATE:

1. **EXCISE INSPECTOR, PAZHAYANNUR RANGE.**
2. **STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI. C.K. SURESH.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 14/11/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P. NO. 2061/2000 IN CRL.R.P. NO. 351/2000

DISMISSED

14/11/2007. **SD/- K.R.UDAYABHANU, JUDGE.**

//TRUE COPY//

prv.

K.R.UDAYABHANU, J

Crl.R.P.No.351 of 2000

Dated this the 14th day of November, 2007

O R D E R

The revision petitioner stands convicted for the offence under Section 55(g) of the Abkari Act and sentenced to undergo R.I. for a period of six months and to pay a fine of Rs.25,000/- and in default, to undergo R.I. for a period of six months.

2. The counsel for the revision petitioner has only pleaded for modification of the sentence pointing out that more than ten years have elapsed since the commencement of the proceedings and the accused has been undergoing the travails of facing the criminal proceedings so far and that the sole means of livelihood of his entire family is his income.

3. In the circumstances, considering the long lapse of time, the sentence is modified to imprisonment till the rising of the court and to pay a fine of Rs.25,000/- and in default, to undergo simple imprisonment for six months. The revision petitioner is granted four months' time to remit the fine amount.

He shall appear before the Judicial First Class Magistrate Court-Wadakkanchery on 14.3.2008 to receive sentence.

The criminal revision petition is disposed of accordingly.

K.R.UDAYABHANU,
JUDGE

csl